

## AMENDMENTS

### Listing of Claims

The following listing of claims replaces all previous listings or versions thereof:

1. (Original) An isolated polynucleotide encoding a myocardin polypeptide.
2. (Currently amended) The isolated ~~polynucleotide~~polynucleotide of claim 1, wherein the myocardin polypeptide comprises an amino acid sequence of ~~SEQ ID NO:2, SEQ ID NO:26, SEQ ID NO:28, or SEQ ID NO:30.~~
3. (Currently amended) The isolated polynucleotide of claim 2, wherein the polynucleotide sequence comprises ~~SEQ ID NO:1, SEQ ID NO:25, SEQ ID NO:27 or SEQ ID NO:29.~~
4. (Original) The polynucleotide of claim 1, wherein said polynucleotide further comprises a promoter operable in eukaryotic cells.
5. (Currently amended) An isolated nucleic acid segment comprising at least ~~[[15]]~~1000 contiguous nucleotides of ~~SEQ ID NO:1, SEQ ID NO:25, SEQ ID NO:27 or SEQ ID NO:29.~~
- 6-16. (Canceled).
17. (Currently amended) The isolated nucleic acid segment of claim 5, wherein said segment ~~[[is]]~~ comprises 2000 contiguous nucleotides in length.
- 18-22. (Canceled)
23. (Original) An expression cassette comprising a polynucleotide encoding a myocardin polypeptide operably linked to a regulatory sequence.
24. (Currently amended) The expression cassette of claim 23, wherein the polynucleotide encodes a polypeptide having an amino acid sequence of ~~SEQ ID NO:2, SEQ ID NO:26, SEQ ID NO:28 or SEQ ID NO:30.~~

25. (Currently amended) The expression cassette of claim 24, wherein the polynucleotide sequence comprises ~~SEQ ID NO:1, SEQ ID NO:25, SEQ ID NO:27 or SEQ ID NO:29~~.
26. (Original) The expression cassette of claim 23, wherein said regulatory sequence comprises a promoter heterologous to the coding sequence.
27. (Original) The expression cassette of claim 26, wherein said promoter is a tissue specific promoter.
28. (Original) The expression cassette of claim 27, wherein said promoter is a muscle specific promoter.
29. (Original) The expression cassette of claim 28, wherein said muscle specific promoter is myosin light chain-2 promoter, alpha actin promoter, troponin 1 promoter, Na<sup>+</sup>/Ca<sup>2+</sup> exchanger promoter, dystrophin promoter, creatine kinase promoter, alpha7 integrin promoter, brain natriuretic peptide promoter, alpha B-crystallin/small heat shock protein promoter, alpha myosin heavy chain promoter or atrial natriuretic factor promoter.
30. (Original) The expression cassette of claim 28, wherein said muscle specific promoter is a cardiac muscle specific promoter.
31. (Original) The expression cassette of claim 30, wherein said cardiac muscle specific promoter is  $\alpha$ -myosin heavy chain or ANF.
32. (Original) The expression cassette of claim 23, wherein said promoter is an inducible promoter.
33. (Original) The expression cassette of claim 23, wherein said promoter is a constitutive promoter.
34. (Original) The expression cassette of claim 23, wherein said expression cassette is contained in a gene delivery vector.
35. (Currently amended) The expression ~~cassett~~cassette of claim 34, wherein said gene delivery vector is a viral vector.

36. (Original) The expression cassette of claim 35, wherein said viral vector is a retroviral vector, an adenoviral vector, an adeno-associated viral vector, a vaccinia viral vector, a herpesviral vector, a polyoma viral construct or a Sindbis viral vector.
37. (Original) The expression cassette of claim 23, wherein said expression cassette further comprises a polyadenylation signal.
38. (Original) The expression cassette of claim 23, wherein said expression cassette further comprises a second polynucleotide encoding a second polypeptide.
39. (Original) The expression cassette of claim 38, wherein said second polypeptide is a cardiac transcription factor.
40. (Original) A transformed host cell comprising a polynucleotide encoding a myocardin polypeptide and a promoter heterologous to the polypeptide coding region, wherein said promoter directs expression of said myocardin polypeptide.
41. (Original) The transformed host cell of claim 40, further defined as a prokaryotic host cell.
42. (Original) The transformed host cell of claim 40, further defined as an eukaryotic host cell.
43. (Original) A method of using a host cell comprising an expression cassette comprising a polynucleotide encoding a myocardin polypeptide and a promoter active in said host cell comprising culturing the host cell under conditions suitable for the expression of the myocardin polypeptide.
- 44-80. (Canceled)
81. (Currently amended) A method of expressing a myocardin polypeptide in a host cell comprising introducing into said host ~~cell~~cell an expression vector comprising a polynucleotide encoding a myocardin polypeptide, said polynucleotide being positioned under control of a promoter operable in said host cell.

82-126. (Canceled)